

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

GEORGIA-PACIFIC CONSUMER
PRODUCTS LP, FORT JAMES
CORPORATION, and GEORGIA-PACIFIC
LLC,

Plaintiffs,

vs.

NCR CORPORATION, INTERNATIONAL
PAPER CO., and WEYERHAEUSER CO.,

Defendants.

Case No. 1:11-cv-00483-RJJ

Hon. Robert J. Jonker

**DEFENDANT INTERNATIONAL PAPER COMPANY'S
WRITTEN STATEMENT OF APPEAL PURSUANT TO LOCAL RULE 72.3(a)
OF MAGISTRATE JUDGE HUGH W. BRENNEMAN, JR.'S
JULY 15, 2014 ORDER GRANTING MOTION TO COMPEL (DKT # 496)**

Defendant International Paper Company ("International Paper") appeals from the Order Granting Motion to Compel (Dkt # 496) entered by Magistrate Judge Hugh W. Brenneman, Jr. ("Judge Brenneman") on July 15, 2014 ("Order"). This appeal is brought pursuant to Local Rule 72.3(a).

International Paper appeals from the Order on the grounds that it is "clearly erroneous" within the meaning of Local Rule 72.3(a), as more fully set forth in the accompanying Brief in Support of Defendant International Paper Company's Appeal Pursuant to Local Rule 72.3(a). The Order compels International Paper to respond to certain requests for admission ("RFAs") propounded to it by Plaintiffs ("GP"), without addressing the underlying relevance argument that

is the basis on which International Paper objected to the RFAs. The relevance argument is whether GP can seek to hold International Paper “equitably responsible” in Phase 2 for three new mills (“Three Mills”)¹, even though GP (1) did not establish International Paper’s liability as to any of the Three Mills in Phase 1, and (2) represented to the Court that it was seeking to hold International Paper “responsible” only for such costs and damages attributable to the facilities and activities for which International Paper was found liable.

Dated: July 25, 2014

/s/ John D. Parker

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¹ The Three Mills are the MacSimBar Mill, located in Otsego, and two mills, Fountain Street and Angell Street, located in Battle Creek, more than 25 miles upstream and east of Morrow Dam, the upper boundary of the Site.

And by:

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CERTIFICATE OF SERVICE

I hereby certify that on July 25, 2014 I electronically filed the foregoing using the ECF system, which will send notification of such filing by operation of the Court's electronic systems. Parties may access this filing via the Court's electronic system.

/s/ John D. Parker

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